

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

GARY THIEMANN,

Plaintiff,

v.

RONNOCO COFFEE, LLC,

Defendant.

Cause No.

Circuit Court of St. Charles County
Case No. 1411-CC00712

Jury Trial Demanded

NOTICE OF REMOVAL

COMES NOW Defendant, Ronnoco Coffee, LLC ("Ronnoco"), and files this Notice of Removal of the above-captioned case to the United States District Court for the Eastern District of Missouri, Eastern Division, pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1441 and 28 U.S.C. § 1446 and for its grounds, respectfully states as follows:

1. On September 18, 2014, Plaintiff filed an Amended Petition in the Circuit Court of St. Charles County, Missouri, Cause No. 1411-CC00712.

2. Plaintiff's Amended Petition states a cause of action of discrimination and retaliation only under the Age Discrimination in Employment Act – 29 U.S.C. Sections 621-634 ("ADEA").

3. This Court has original jurisdiction over the subject action pursuant to 28 U.S.C. § 1331 since there is a federal question. As alleged, this suit falls within the ADEA which thus supplies this federal question.

4. This Court may exercise original jurisdiction over ADEA claims and are therefore removeable. *Winebarger v. Logan Aluminum, Inc.*, 839 F. Supp. 17

(W.D. Ky. 1993). Thus, Plaintiff's cause of action for discrimination and retaliation under the ADEA should be removed to this Court.

5. Pursuant to 28 U.S.C. § 1441, et seq., this cause may be removed from the Eleventh Judicial Circuit Court, St. Charles County, Missouri, to the United States District Court for the Eastern District of Missouri.

6. This Notice of Removal has been filed within thirty (30) days after receipt by Defendant of a copy of Plaintiff's amended pleading setting forth, for the first time, the claim for relief upon which said action is based. Therefore, this Notice of Removal has been timely filed pursuant to 28 U.S.C. § 1446.

7. Defendant files herewith a copy of all process, pleadings and orders relevant hereto. The complete state court file is filed as an attachment to this Notice of Removal.

WHEREFORE, Defendant Ronnoco Coffee, LLC, prays that an Order be entered herein, causing case No. 1411-CC00712 of the Circuit Court of St. Charles County, Missouri, to be removed to this court for further proceedings, and that this court take jurisdiction herein and make such further orders as may be proper under the circumstances.

BROWN & JAMES, P.C.



Steven H. Schwartz, #36436
sschwartz@bjpc.com
800 Market Street, 11th floor
St. Louis, Missouri 63101
314.421.3400
Fax: 314.421.3128

***Attorneys for Defendant
Ronnoco Coffee, LLC***

CERTIFICATE OF SERVICE

I hereby certify that on Oct. 13 2014, the foregoing was served via U.S. mail upon the following:

Mr. Kevin J. Kasper
Mr. Benjamin R. Wesselschmidt
KASPER LAW FIRM, LLC
3930 Old Hwy 94 South – Suite 108
St. Charles, MO 63304
kevinkasper@kasperlawfirm.com
benwesselschmidt@kasperlawfirm.com

Attorneys for Plaintiff

